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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,110	07/02/2001	Nenad Rijavec	BLD9010021	5070
30743	7590	03/17/2005	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			COUSO, JOSE L	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/896,110	Applicant(s) RIJAVEC ET AL.	
	Examiner Jose L. Couso	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant's arguments filed October 13, 2004, with respect to claims 7-10, have been fully considered and are persuasive, the examiner is therefore withdrawing the prior art rejections of claims 7-10.

2. Claims 7-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims invention set forth in claims 7-10, reciting a data format, are so abstract and sweeping as to cover the method if practiced by a human operator assisted only by pencil and paper. The claims do not include a particular machine or apparatus, and no machine-implemented steps are recited, the steps are capable of performance by the human mind. A method of this sort, traditionally called a mental process@, is not patentable subject matter.

A Phenomena of nature, though just discovered, mental-processes, abstract intellectual concepts are not patentable, as they are the basic tools of scientific and technological work.@ (emphasis added). Gottschalk v. Benson, 175 USPQ 673, 675 (USSC 1972). See also, In re Prater and Wei, 159 USPQ 583 (1968), rehearing, 162 USPQ 541 (1969).

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Wise (U.S. Patent No. 5,805,914).

With regard to claim 1, Wise describes testing for coefficient values requiring more than eight bits to be uniquely coded and using a flag in at least one block of data to indicate if all the coefficient values in the block are coded in eight bits or fewer or if any requires more than eight bits to be uniquely coded (refer for example to column 40, lines 1-51 and column 223, line 66 through column 224, line 3).

With regard to claim 2, Wise describes wherein the coefficient values are DCT coefficients (refer for example to column 216, line 25 through column 217, line 40).

As to claim 3, Wise describes wherein the coefficient values are AC DCT coefficients (refer for example to column 216, line 25 through column 217, line 40).

With regard to claim 4, Wise describes wherein the testing step is performed once per image (as discussed in column 40, lines 1-51).

As to claim 5, Wise describes wherein the testing step is performed once per block (as discussed in column 223, lines 46-55).

In regard to claim 6, Wise describes including the further set of using another flag in a block of data to indicate if any ZRLs are present (refer for example to column 223, lines 56-65).

5. Applicant's arguments filed October 13, 2004 have been fully considered but they are not persuasive.

The examiner has thoroughly reviewed applicant's arguments but firmly believes the cited reference to reasonably and properly meet the claimed limitations.

Applicant's arguments, on page 7, line 24 through page 8, line 9 seem to be directed towards an aspect of the invention not specifically claimed, namely that the "invention is directed to a data format using flags to indicate whether or not the block of intermediate data or the intermediate data for an entire frame has certain commonly occurring features which result from data compression which ordinarily (for example, under the JPEG standard) must be detected by testing of each pair of bytes (used for each AC coefficient) for non-zero value coefficients and/or whether or not extra bits are required for unique coding of coefficient values and other processing such as loading (sixteen) zero valued coefficients during decoding". Applicant is reminded of 37 CFR §1.111(b) which specifically states:

A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the reference does not comply with the requirements of this section.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jose L. Couso whose telephone number is (703) 305-4774. The examiner can normally be reached on Monday through Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on (703) 308-5236. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8576.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jlc
March 11, 2005

